United Nations CTOC/COP/2018/L.1/Add.7

Conference of the Parties to the United Nations Convention against Transnational Organized Crime

Distr.: Limited
18 October 2018

Original: English

Ninth session
Vienna, 15–19 October 2018

Draft report

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Addendum

V. International cooperation, with particular emphasis on extradition, mutual legal assistance and international cooperation for the purpose of confiscation, and the establishment and strengthening of central authorities

1. At its 7th meeting, on 18 October 2018, the Conference considered agenda item 4, entitled "International cooperation, with particular emphasis on extradition, mutual legal assistance and international cooperation for the purpose of confiscation, and the establishment and strengthening of central authorities". For its consideration of the item, the Conference had before it the following documents:

(a) Report of the Secretariat on the activities of the United Nations Office on Drugs and Crime to promote the implementation of the provisions on international cooperation in the United Nations Convention against Transnational Organized Crime (CTOC/COP/2018/10);

(b) Note by the Secretariat on the reports on the meetings of the Working Group on International Cooperation and the Working Group of Government Experts on Technical Assistance held in Vienna from 9 to 13 October 2017 and from 28 to 31 May 2018 (CTOC/COP/2018/9).

2. An introductory statement was made by a representative of the Secretariat.

3. The Chair of the Working Group on International Cooperation briefed the Conference about the work of the Working Group within the period between the eighth and ninth sessions of the Conference.

4. Statements were made by the representatives of Algeria, Colombia, Egypt, India, Indonesia, Israel, Kazakhstan, Kuwait, Mexico, Philippines, the Russian Federation, South Africa, the Sudan, Thailand and the United States.

5. A statement was also made by the observer for the Islamic Republic of Iran, a signatory State.

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Deliberations

6. Many speakers reported on the legal frameworks of their countries that regulated international cooperation in criminal matters, including extradition and mutual legal assistance, as well as on applicable bilateral and regional treaties and agreements in that field. Some speakers referred to ongoing reforms of their national legal frameworks being carried out in order to keep up to date with developments in the field of international cooperation and to ensure harmonization with the Organized Crime Convention. Some speakers made reference to national practices such as the use of appropriate guidelines and institutional arrangements, including the establishment of specialized units in charge of specific forms of cooperation. Many speakers placed emphasis on the work of the designated central authorities in their countries responsible for dealing with international cooperation requests.

7. Many speakers highlighted the added value of the Convention as a legal basis for international cooperation. The increasing reliance on the Convention for the purposes of international cooperation was highlighted, as was the established practice, as one speaker emphasized, of using the Convention as a legal basis for extradition and mutual legal assistance for a variety of crimes and for the increasing number of forms of cooperation and types of assistance requested. One speaker referred to the usefulness of the Convention in addressing the links between transnational organized crime and terrorism.

8. Many speakers referred to the ability of their countries to engage in international cooperation in criminal matters on the basis of reciprocity. A number of speakers underlined the need for adopting and implementing simplified extradition procedures to expedite cooperation in that field.

9. Many speakers reported on good practices to facilitate improved international cooperation, including the promotion of networking, the establishment and maintenance of direct contacts among central authorities, the enhanced practice of exchange of information, the placement of liaison officers abroad, and the establishment of working groups among practitioners to exchange views and experience.

10. A number of speakers referred to consultations between cooperating States in order to prevent the refusal of requests, and to provide diplomatic assurances of the provision of cooperation where there was a need to ensure that the person sought would be treated in the requesting State in accordance with international human rights standards.

11. Some speakers shed light on the importance of robust, efficient and effective asset forfeiture and recovery regimes, including international cooperation mechanisms to control illicit financial flows and enable the repatriation of illegal assets to the countries of origin. It was noted that in establishing such regimes, States should accord high priority to strengthening the relevant capacity of competent authorities, bearing in mind the need to respect national sovereignty and the autonomy of national legal systems.

12. Speakers reported on challenges encountered in the field of international cooperation such as the lack of political will, differences between national legal systems, the non-extradition of nationals, language and translation barriers, limited legal and institutional resources, and difficulties in countering the methods of sophisticated organized criminal groups operating across borders.

13. Emphasis was placed on the need for training and capacity-building activities to enhance the skills of judges and practitioners in competent institutions, as well as law enforcement authorities, for dealing effectively with international cooperation. The importance of meaningful and results-oriented technical assistance was underlined, together with the positive impact of the work of UNODC in this field, including through such tools as the Mutual Legal Assistance Request Writer Tool and the directory of competent national authorities.

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